



Senate

General Assembly

File No. 549

February Session, 2016

Substitute Senate Bill No. 247

Senate, April 7, 2016

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING A CAUSE OF ACTION FOR LOSS OF CONSORTIUM BY A MINOR CHILD WITH RESPECT TO THE DEATH OF A PARENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) Any claim or cause of action
2 for loss of consortium by a minor child with respect to the death of a
3 parent shall be separate from and independent of all claims or causes
4 of action for the determination of damages with respect to such death.
5 Any claim brought pursuant to this section shall be derivative to the
6 claim for wrongful death to the same extent as claims for loss of
7 spousal consortium brought pursuant to section 52-555a of the general
8 statutes.

9 Sec. 2. (NEW) (*Effective from passage*) Any claim or cause of action for
10 loss of consortium by a minor child with respect to the death of a
11 parent, which claim or cause of action may include, without limitation,
12 claims for damages with respect to the loss of love, care,
13 companionship and guidance provided by the parent, suffered because

14 of the death of the parent. Only the minor child raising the claim shall
15 recover the pecuniary value of the parent's services to such child. Any
16 such claim or cause of action shall be brought with or joined with the
17 claims and causes of action with respect to the death of the parent.

18 Sec. 3. (NEW) (*Effective from passage*) (a) No action with respect to
19 any claim or cause of action for loss of consortium by a minor child
20 shall be commenced except within the time within which an action
21 may be commenced with respect to the death of the parent in relation
22 to which the action for loss of consortium arises.

23 (b) Any claim or cause of action for loss of consortium by a minor
24 child arising out of the claim or cause of action for the wrongful death
25 of a parent shall be contingent upon proof of facts sufficient to
26 establish recovery for the claim or cause of action for wrongful death.
27 Nothing in this section or section 1 or 2 of this act shall limit the
28 assertion of any defenses against the claim or cause of action for loss of
29 consortium that would be available against the claim or cause of action
30 for wrongful death.

31 (c) Any claim or cause of action for loss of consortium by a minor
32 child made pursuant to this section shall be limited to the time period
33 that the child is a minor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which affects civil judgement claims, does not result in a fiscal impact to the state or municipalities. The number of additional motions is not anticipated to be great enough to need additional resources. The court system disposes of over 500,000 cases annually.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 247*****AN ACT CONCERNING A CAUSE OF ACTION FOR LOSS OF CONSORTIUM BY A MINOR CHILD WITH RESPECT TO THE DEATH OF A PARENT.*****SUMMARY:**

This bill allows a minor (child under age 18) to bring a claim or cause of action for loss of consortium when a parent is killed. Under existing law, a minor may bring such a claim or cause of action when a parent suffers a non-fatal injury (see BACKGROUND). (Loss of consortium is a claim for damages suffered by the spouse or relative of someone injured or killed as a result of the defendant's negligent, intentional, or otherwise wrongful acts.)

Under the bill, a minor's claim for loss of consortium with respect to a parent's death:

1. must be derivative to and joined with the parent's claim for loss of spousal consortium;
2. may include claims for damages with respect to the loss of love, care, companionship, and guidance provided by the parent;
3. is separate and independent of all other claims when determining damages;
4. is contingent on proof sufficient to establish recovery for a claim or cause of action for wrongful death;
5. must begin during the time within which an action may be brought with respect to the death of the parent; and
6. may only be brought while the child is a minor.

The bill limits recovery of pecuniary damages, for the parent's services, to the minor raising the claim.

It also specifies that any available defenses against a claim or action for wrongful death may be asserted against a claim or action for loss of consortium for wrongful death.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Court Case

The Connecticut Supreme Court, in *Campus v. Coleman*, reversed the decision of the trial court and recognized a minor's cause of action for loss of parental consortium under circumstances where the parent suffered a non-fatal injury. However, the court did not extend this cause of action to a claim for loss of parental consortium when the parent is killed, stating that under common law there is no right of recovery for wrongful death by the decedent's estate or family members (319 Conn. 36 (2015)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 32 Nay 11 (03/21/2016)